

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHARLOTTE MAHONEY, Individually and
on Behalf of All Others Similarly Situated;

Plaintiff,

vs.

COMMONSPIRIT HEALTH,

Defendant.

8:21CV23

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiff's, Charlotte Mahoney's, unopposed motion to dismiss with prejudice and for approval of settlement. [Filing No. 44](#). Having reviewed the settlement agreement and considered the circumstances surrounding this FLSA action, the Court finds that it should be approved. See *Barbee v. Big River Steel, LLC*, 927 F.3d 1024 (8th Cir. 2019) (noting a circuit split as to whether judicial approval of FLSA settlements is required but declining to resolve the issue for the Eighth Circuit).

Plaintiff brought this suit against CommonSpirit Health on behalf of herself and others similarly situated under [29 U.S.C. § 216\(b\)](#). See *Lynn's Food Stores, Inc. v. United States*, 679 F.2d 1350, 1353 (11th Cir. 1982) (stating one of the two "route[s] for compromise of FLSA claims is provided in the context of suits brought directly by employees against their employer under section 216(b) to recover back wages for FLSA violations."). The parties have been represented by attorneys capable of protecting their respective rights in this adversarial contest. See *id.* at 1354. Finally, the settlements reflect a reasonable compromise of bona fide issues actually in dispute. See *id.* at 1354–55.

IT IS ORDERED:

1. The unopposed order for approval of settlement, [Filing No. 44](#), is granted and the settlement agreement attached thereto is approved; and
2. The Court will enter a separate judgment dismissing this case with prejudice. Except as otherwise provided in the settlement agreement, the parties are to pay their own costs and fees.

Dated this 10th day of November, 2022.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge